

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 11-24

Introduced by _____ Council President Boniface at the request of the County Executive

Legislative Day No. _____ 11-16 _____ Date _____ June 7, 2011

AN ACT to repeal the definition of "administrative waiver" of Section 214-1, Definitions, of Article I, Sediment Control; to repeal and reenact, with amendments, Subsection H(5) of Section 214-28, Waivers/watershed management plans; to repeal and reenact, with amendments, Subsection D(4) of Section 214-29, Redevelopment; to repeal and reenact, with amendments, Subsection B(5) of Section 214-32, Stormwater management plans; and to repeal and reenact, with amendments, Section 214-48, Transitional provisions, all of Article II, Stormwater Quantity and Quality Management, of Chapter 214, Sediment Control and Stormwater Management, of the Harford County Code, as amended; to provide for changes to the transitional provisions concerning administrative waivers and plan approvals, and the timing of and extensions to administrative waivers; and generally relating to stormwater management.

By the Council, _____ June 7, 2011

Introduced, read first time, ordered posted and public hearing scheduled

on: _____ July 12, 2011

at: _____ 6:00 PM

By Order: _____ Mary Kate Hurling, Acting Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____ July 12, 2011 _____, and concluded on _____ July 12, 2011 _____.

_____ Mary Kate Hurling, Acting Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland that the definition of “administrative waiver” of Section 214-1, Definitions, of Article I, Sediment Control, be, and it is hereby, repealed; that Subsection H(5) of Section 214-28, Waivers/watershed management plans, be, and it is hereby, repealed and reenacted, with amendments; that Subsection D(4) of Section 214-29, Redevelopment, be, and it is hereby, repealed and reenacted, with amendments; that Subsection B(5) of Section 214-32, Stormwater management plans, be, and it is hereby, repealed and reenacted, with amendments; and that Section 214-48, Transitional provisions, be, and it is hereby, repealed and reenacted, with amendments, all of Article II, Stormwater Quantity and Quality Management, of Chapter 214, Sediment Control and Stormwater Management, of the Harford County Code, as amended, and all to read as follows:

Chapter 214. Sediment Control and Stormwater Management

Article I. Sediment Control

§ 214-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

[ADMINISTRATIVE WAIVER – A decision by the Department to allow the construction of the development to be governed by the stormwater management criteria in effect prior to May 4, 2009.]

§ 214-28. Waivers/watershed management plans.

H. Waivers of quantity and/or quality control as specified in Paragraph B(2), C(1) or C(2) of this section may be granted on a case-by-case basis provided one of the following requirements, in order of preference, is satisfied:

- (5) Other practices approved by the Department AND THE ADMINISTRATION, INCLUDING POLLUTION TRADING WITH ANOTHER ENTITY.

§ 214-29. Redevelopment.

D. Harford County may develop separate policies for providing water quality treatment for redevelopment projects if the requirements of § 214-29B cannot be met. These policies in the following order of preference may include, but not be limited to:

- (4) Other practices approved by the Department AND THE ADMINISTRATION, INCLUDING POLLUTION TRADING WITH ANOTHER ENTITY.

§ 214-32. Stormwater management plans.

B. Contents of the stormwater management plan.

- (5) Construction drawings submitted for stormwater management final plan approval shall include drainage area maps, vicinity map, any proposed improvements, existing and proposed contours, existing and proposed structures and utilities, floodplains, wetlands, buffers, details, sections and profiles of all facilities, specifications, sequence, TABLE SHOWING ESD AND UNIFIED SIZING CRITERIA VOLUMES REQUIRED AND PROVIDED, data, landscape plan, boring logs and locations, inspection and maintenance schedules, certifications and any other information required by the Department.

§ 214-48. Transitional provisions.

A. Except as specifically exempted by this article, all development activity in Harford County shall conform to the requirements of these documents.

B. This article shall take effect on May 4, 2010.

[C. Developments with stormwater management and erosion and sediment control plans approved as of May 4, 2010 shall be exempted from the revised design requirements of this article provided that:

- (1) Construction is progressing on the site in accordance with the approved erosion and sediment control plan; and
- (2) The erosion and sediment control plan remains valid for 2 years from the date of approval and all necessary update approvals and revisions are obtained in accordance with the policies of the District.

D. Any development which has been granted preliminary plan or site plan approval from the Department of Planning and Zoning before May 4, 2010 which remains valid until final approval of stormwater management plans may be granted an administrative waiver when authorized in accordance with applicable Maryland Department of the Environment guidelines, the Code of Maryland Regulations or the Annotated Code of Maryland.]

C. IN THIS SECTION, PARAGRAPHS C, D, E AND F, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:

(1) ADMINISTRATIVE WAIVER.

(A) "ADMINISTRATIVE WAIVER" MEANS A DECISION BY THE DEPARTMENT PURSUANT TO THIS ORDINANCE TO ALLOW THE CONSTRUCTION OR A DEVELOPMENT TO BE GOVERNED BY THE STORMWATER MANAGEMENT ORDINANCE IN EFFECT AS OF MAY 4, 2009.

(B) "ADMINISTRATIVE WAIVER" IS DISTINCT FROM A WAIVER GRANTED PURSUANT TO SECTION 214-28 OF THE CODE.

(2) APPROVAL.

(A) "APPROVAL" MEANS A DOCUMENTED ACTION BY THE COUNTY FOLLOWING A REVIEW TO DETERMINE AND ACKNOWLEDGE THE SUFFICIENCY OF SUBMITTED MATERIAL TO MEET THE REQUIREMENTS OF A SPECIFIED STAGE IN A LOCAL

DEVELOPMENT REVIEW PROCESS.

(B) "APPROVAL" DOES NOT MEAN AN ACKNOWLEDGEMENT BY THE COUNTY THAT SUBMITTED MATERIAL HAS BEEN RECEIVED FOR REVIEW.

(3) FINAL PROJECT APPROVAL.

(A) "FINAL PROJECT APPROVAL" MEANS APPROVAL OF THE FINAL STORMWATER MANAGEMENT PLAN AND EROSION AND SEDIMENT CONTROL PLAN REQUIRED TO CONSTRUCT A PROJECT'S STORMWATER MANAGEMENT FACILITIES.

(B) "FINAL PROJECT APPROVAL" ALSO INCLUDES SECURING BONDING OR FINANCING FOR FINAL DEVELOPMENT PLANS IF EITHER IS REQUIRED AS A PREREQUISITE FOR APPROVAL.

(4) "PRELIMINARY PROJECT APPROVAL" MEANS AN APPROVAL AS PART OF A LOCAL PRELIMINARY DEVELOPMENT OR PLANNING REVIEW PROCESS THAT INCLUDES, AT A MINIMUM:

(A) THE NUMBER OF PLANNED DWELLING UNITS OR LOTS;

(B) THE PROPOSED PROJECT DENSITY;

(C) THE PROPOSED SIZE AND LOCATION OF ALL LAND USES FOR THE PROJECT;

(D) A PLAN THAT IDENTIFIES:

[1] THE PROPOSED DRAINAGE PATTERNS;

[2] THE LOCATION OF ALL POINTS OF DISCHARGE FROM THE SITE; AND

[3] THE TYPE, LOCATION AND SIZE OF ALL STORMWATER MANAGEMENT MEASURES BASED ON SITE-SPECIFIC

STORMWATER MANAGEMENT REQUIREMENT
COMPUTATIONS.

D. THE DEPARTMENT MAY GRANT AN ADMINISTRATIVE WAIVER TO A DEVELOPMENT THAT RECEIVED A PRELIMINARY PROJECT APPROVAL PRIOR TO MAY 4, 2010. ADMINISTRATIVE WAIVERS EXPIRE ACCORDING TO SECTION 214-49E AND MAY BE EXTENDED ACCORDING TO SECTION 214-49F.

E. EXPIRATION OF ADMINISTRATIVE WAIVERS.

(1) EXCEPT AS PROVIDED FOR IN SECTION 214-49F, AN ADMINISTRATIVE WAIVER SHALL EXPIRE ON:

(A) MAY 4, 2013, IF THE DEVELOPMENT DOES NOT RECEIVE FINAL PROJECT APPROVAL PRIOR TO THAT DATE; OR

(B) MAY 4, 2017, IF THE DEVELOPMENT RECEIVES FINAL PROJECT APPROVAL PRIOR TO MAY 4, 2013.

(2) ALL CONSTRUCTION AUTHORIZED PURSUANT TO AN ADMINISTRATIVE WAIVER MUST BE COMPLETED BY MAY 4, 2017 OR, IF THE WAIVER IS EXTENDED AS PROVIDED IN SECTION 214-49F, BY THE EXPIRATION DATE OF THE WAIVER EXTENSION.

F. EXTENSION OF ADMINISTRATIVE WAIVERS.

(1) EXCEPT AS PROVIDED IN SECTION 214-49F(2), AN ADMINISTRATIVE WAIVER SHALL NOT BE EXTENDED.

(2) AN ADMINISTRATIVE WAIVER MAY ONLY BE EXTENDED IF, BY MAY 4, 2010, THE DEVELOPMENT:

(A) HAS RECEIVED A PRELIMINARY PROJECT APPROVAL; AND

(B) WAS SUBJECT TO A TAX INCREMENT FINANCING APPROVAL.

(3) ADMINISTRATIVE WAIVERS EXTENDED ACCORDING TO SECTION 214-

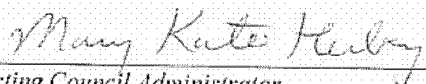
1 49F(2) SHALL EXPIRE WHEN THE TAX INCREMENT FINANCING APPROVAL
2 EXPIRES.

3 [E.]G. The provision of §§ 214-37, 214-38 and 214-39 and the criminal provisions of § 214-49 shall
4 not apply to municipal corporations, County or state agencies within the state or any
5 combination thereof.

6 Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date
7 it becomes law.

EFFECTIVE: September 19, 2011

*The Acting Council Administrator does hereby certify
that fifteen (15) copies of this Bill are immediately available
for distribution to the public and the press.*



Acting Council Administrator

HARFORD COUNTY BILL NO. 11-24

Brief Title Stormwater Management Regulations

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mary Kate Herbig
Acting Council Administrator

Date July 12, 2011

ENROLLED

Billy Boniface
Council President

Date July 12, 2011

BY THE COUNCIL

Read the third time.

Passed: LSD 11-18

Failed of Passage: _____

By Order

Mary Kate Herbig
Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 14th day of July, 2011 at 3:00 p.m.



Mary Kate Herbig
Acting Council Administrator

BY THE EXECUTIVE

David R. Carey
COUNTY EXECUTIVE

APPROVED: Date July 19, 2011

BY THE COUNCIL

This Bill No. 11-24 having been approved by the Executive and returned to the Council, becomes law on July 19, 2011.

EFFECTIVE DATE: September 19, 2011

Mary Kate Herbig
Mary Kate Herbig
Acting Council Administrator